



ETHICS BOARD

Agenda
August 10, 2023
5 pm
Zoom Virtual Meeting

Join Zoom Meeting

<https://readingpa.zoom.us/j/4192926522?pwd=M0dBTXh6SnNvOHppU1paMm9zUW0xZz09>

Meeting ID: 419 292 6522

Passcode: 972205

Dial by your location

- 877 853 5257 US Toll-free
- 888 475 4499 US Toll-free

1. Call to Order
2. Public Comment

Public comment will be accepted in writing through an email to michelle.smith@readingpa.gov. Public comment must be submitted by 3:00 pm on the day of the meeting. All comments received will be read into the record. Public Comment can also be made during the meeting by registering by 3 pm the day of the meeting.

3. Approval of minutes – January 19, 2023
4. Election of Chair and Vice Chair
5. Old Business
 - Board Policy on the enforcement of subpoenas
 - Board Policy on the enforcement of submission of Supplemental Financial Interest Statements
 - Board Policy on enforcement and submission of Campaign Finance Reports
6. New Business
 - Advisory Opinion 2023-1
 - Advisory Opinion 2023-2

- Campaign Finance Report review
- Statement of Financial Interest audit – 2019, 2020, 2021

7. Next meeting date

§ 5-1004. Statement of financial interests.

[Amended 12-19-2016 by Ord. No. 67-2016; 6-13-2022 by Ord. No. 47-2022]

Any official or employee of the City or authorities, boards or commissions with decision-making authority, including advisory boards, shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics, and shall also file a City of Reading Supplemental Statement of Financial Interest, as approved by the Board of Ethics. Any individual appointed to such a position after May 1 has 15 working days to file both the Statement of Financial Interest and the City of Reading Supplemental Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

§ 5-1012. Campaign contributions and reporting requirements.

[Added 5-28-2013 by Ord. No. 28-2013; amended 12-12-2016 by Ord. No. 65-2016]

A. Campaign contribution limitations.

(1) During a calendar year in which a covered election is held:

(a) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4), precandidacy contributions, hereinafter, no individual shall make, and no candidate and/or no candidate political committee shall accept, a candidate campaign contribution, including those contributions made to or through one or more political committees by such individual, in excess of \$2,700. *

(b) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4), precandidacy contributions, hereinafter, no organization (excluding individuals covered by the Code of Ethics as part of the Administrative Code, as amended), shall make, and no candidate and/or no candidate campaign committee shall accept, a candidate campaign contribution, including those contributions made to or through one or more political committees by such organization, in excess of \$11,000. *

(c) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4) hereinafter, no political committee (excluding candidate political committees) shall make, and no candidate and/or no candidate campaign committee shall accept, a candidate campaign contribution in excess of \$10,000.

(2) During a calendar year in which a covered election is not held:

(a) Candidates for Mayor may receive candidate campaign contributions totaling no more than \$150,000 per year.

(b) Candidates for Auditor may receive candidate campaign contributions totaling no more than \$75,000 per year.

(c) Candidates for City Council President may receive candidate campaign contributions totaling no more than \$50,000 per year.

(d) Candidates for District City Council may receive candidate campaign contributions totaling no more than \$25,000 per year.

(3) Postelection intervals.

(a) During the interval between the general election (or primary/special election, with respect to candidates and candidate campaign committees who were not nominated) and the end of the calendar year in which the election occurred, and in each calendar year thereafter, no individual shall make total postcandidacy contributions, including those contributions made to or through one or more political committees by such individual, of more than \$2,600.

(b) During the interval between the general election (or primary/special election, with respect to candidates and candidate campaign committees who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no organization shall make total postcandidacy contributions, including those contributions made to or through one or more political committees by such organization, of more than \$10,600.

(4) Precandidacy contributions.

(a) No candidate or candidate political committee may spend any excess precandidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate.

(b) No candidate or candidate campaign committee may spend any excess precandidacy contributions or excess postcandidacy contributions for the purposes of:

[1] Transition or inauguration expenses; or

[2] Retiring debt that was incurred to influence the outcome of an already completed covered election, or cover transition or inauguration expenses related to an already completed covered election.

(c) A precandidacy contribution made in the same calendar year that a person becomes a candidate shall count toward those limitations on contributions set forth in the Code of Ethics as part of the Administrative Code, as amended.

(5) Candidate's personal resources. The limitations imposed by the Code of Ethics as part of the Administrative Code, as amended, shall not apply to contributions from a candidate's personal resources to his or her candidate

political committee. However, if such contributions from a candidate's personal resources shall exceed \$250,000 (regardless of the time period over which such contributions were made), then the contribution limits set forth in the Code of Ethics as part of the Administrative Code, as amended, for that City-elected office, other than those listed above, shall double.

(6) Volunteer labor. The limitations imposed by this section shall not apply to volunteer labor.

(7) Adjustments.

(a) On January 1, 2016, and on every January 1 every four years thereafter, the maximum contribution amounts set forth in § [5-1012](#) shall be adjusted as follows: on the December 15 immediately preceding the adjustment, the Finance Director shall calculate the "CPI multiplier" by dividing the average consumer price index for Reading, Pennsylvania, during the then- current calendar year by the average consumer price index for Reading, Pennsylvania, during the calendar year of 2011. To determine the average consumer price index for Reading, Pennsylvania, the City Finance Director shall use the latest available figures for the Consumer Price Index for all Urban Consumers (CPI-U), Reading, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI multiplier, the City Finance Director shall calculate the new maximum amounts as follows:

[1] The maximum amount for purposes of § [5-1012A\(1\)\(a\)](#) shall equal \$2,500, multiplied by the CPI multiplier, rounded to the nearest \$100.

[2] The maximum amount for purposes of § [5-1012A\(1\)\(b\)](#) shall equal \$10,000, multiplied by the CPI multiplier, rounded to the nearest \$100.

(b) The City Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Auditor, the City Council President, and the City Clerk.

(8) Candidate political committees.

(a) A candidate shall have no more than one candidate political committee and one checking account for the City-elected office sought, into which all contributions and postcandidacy contributions for that sought office shall be made, and out of which all expenditures for that sought office shall be made, including expenditures for retiring debt and for transition or inauguration to that office. If the candidate maintains other political or nonpolitical accounts for which contributions are solicited, such funds collected in these accounts shall not be used for the purpose of influencing the outcome of a covered election, or to retire debt that was incurred to influence the outcome of that covered election, or to cover transition or inauguration expenses.

(9) Enforcement; injunctive relief.

(a) The provisions of this section shall be enforced by the City of Reading Board of Ethics, in accordance with the Code of Ethics of the City Administrative

Code, as amended), including but not limited to the complaint, investigation, restitution and penalties provisions thereof.

(b) In addition to the provisions of the Code of Ethics, any person residing in the City of Reading, including the City Solicitor, may bring an action for injunctive relief in any court of competent jurisdiction to enjoin any violations of, or to compel compliance with, the provisions of this section in accordance with the Code of Ethics as part of the Administrative Code, as amended. The court may award to a prevailing plaintiff in any such action his or her costs of litigation, including reasonable attorney's fees.

B. Reporting requirements.

(1) Statement of financial interests.

(a) Any City employee or City official must be in compliance with § [5-1004](#) (Statement of financial interests) prior to filing any nomination papers or petitions for City-elected office or publicly announcing his or her candidacy for City-elected office.

(2) Campaign finance disclosure.

(a) Whenever a candidate, treasurer of a candidate political committee, or other representative of a candidate political committee files a required report of receipts and expenditures with the Berks County Board of Elections and/or Secretary of, the Commonwealth as required by the Pennsylvania Election Code (25 P.S. § 3241 et seq.), or other applicable laws or regulations, such person shall at the same time file with the City Clerk a copy of all information set forth in such report(s), in that format mandated by the Board of Ethics. Such filing with the City Clerk shall be accompanied by a written statement, signed by the person making the filing that subscribes and swears to the information set forth in such filing.

C. Required notice of contribution limits. The Board of Ethics shall post on the City website, a notice setting forth the contribution limits set forth in this code together with a plain English explanation of the provisions of this section and the penalties and remedies for violations thereof. Such notice shall remain posted and available for review on the website at all times.